

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35777 of 2015

Arising Out of PS.Case No. -1378 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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HAFIZ MD. ASAD MADNI @ MD. ASAD MADNI

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner claims to have divorced the complainant as per the Muslim rites and paid Dain Mehr amount and expenses of Iddat period and consequently a joint application was filed before the learned court below on 08.06.2015.

It is submitted by learned counsel for the complainant that the petitioner has paid only ₹10,000/- and the amount of Dain Mehr and expenses of Iddat period have not been paid.

Without entering into the dispute with regard to payment or non-payment of Dain Mehr amount and expenses of Iddat period, the petitioner undertakes to make payment of Rs.30,000/- to the complainant within a period of three months. The said amount will be deposited before the learned court below which will be released in favour of complainant.

Learned counsel for the complainant, on instruction, submits that the complainant accepts the offer of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Araria in connection with Complaint Case No. 1378 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on deposit of ₹30,000/- by the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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